

HOUSE BILL 178

E2

1lr0963

By: **Delegates Alston, Anderson, Arora, Barnes, Braveboy, Carter, Conaway, Dumais, Griffith, Holmes, K. Kelly, Lee, McDermott, Mitchell, Oaks, Pena–Melnyk, Ross, Simmons, Smigiel, Stukes, Valderrama, Valentino–Smith, Vallario, Waldstreicher, and Walker**

Introduced and read first time: January 27, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Right of Appeal from Final Judgments – Conditional**
3 **Guilty Plea**

4 FOR the purpose of providing that an appeal from a final judgment entered following a
5 conditional plea of guilty may be taken in accordance with the Maryland Rules;
6 defining a certain term; and generally relating to the right of appeal from final
7 judgments in criminal cases.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 12–302(e)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 12–302.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (e) **(1) IN THIS SUBSECTION, “CONDITIONAL PLEA OF GUILTY”**
 2 **MEANS A GUILTY PLEA WITH WHICH THE DEFENDANT PRESERVES IN WRITING**
 3 **ANY PRETRIAL ISSUES THAT THE DEFENDANT INTENDS TO APPEAL.**

4 ~~(1)~~ **(2)** [Section] **EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ (3)**
 5 **OF THIS SUBSECTION, § 12-301 of this subtitle does not permit an appeal from a**
 6 **final judgment entered following a plea of guilty in a circuit court. Review of such a**
 7 **judgment shall be sought by application for leave to appeal.**

8 ~~(2)~~ **(3)** **AN APPEAL FROM A FINAL JUDGMENT ENTERED**
 9 **FOLLOWING A CONDITIONAL PLEA OF GUILTY MAY BE TAKEN IN ACCORDANCE**
 10 **WITH THE MARYLAND RULES.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 12 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.